IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

-

WRIT PETITION NO : 14637 of 2005

Between:

Suragani Lakshmi, W/o. Narasimharao, Hindu,
R/o. Bapatla, Guntur District.

..... PETITIONER

AND

1. The Commissioner, Prohibition & Excise,

Excise Complex,

Opp : Ajantha Gate,
Nampally, Hyderabad.
2. The Superintendent, Prohibition & Excise,

Near Taluk Office,

Backside Arundalpet Police Station,
Guntur.
3. Vadlamudi Subba Rao, S/o.
R/o. Parali, Karlapalem Mandal,

Guntur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to

issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents 1 and 2 in contemplating grant license to the respondent No. 3 in respect of petitioner's premises bearing D.No. 10-1-39, Ratham Bazar, Bapatla without considering the petitioner's objections is highly arbitrary, unjust, and opposed to the principles of natural justice.

Counsel for the Petitioner: MR P.RAJASEKHAR

Counsel for the Respondents 1 and 2 No.: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.3:

The Court, at the stage of admission, made the following:

ORDER:

The writ petition is premature.

There are some disputes between the petitioner and the third respondent with regard to leasehold rights to the premises bearing D.No.10-1-39, Ratham Bazar, Bapatla, whereat the petitioner was earlier an IL-17 licencee running a Bar and Restaurant by name “Ramakrishna Bar and Restaurant”. According to the petitioner, the third respondent illegally obtained a lease from the owner of the premises during the subsistence of a lease in favour of the petitioner from the self-same owner and made an application to the first respondent for grant of an IL-17 licence for establishing a Bar and Restaurant in the same premises. The petitioner submitted objections on 23-06-2005 to the respondents 1 and 2 to refrain grant of an IL-17 licence in favour of the third respondent claiming an existing lease in his favour in respect of the property in question. Apprehending that the first respondent would not consider the objections and would nevertheless grant a licence in favour of the third respondent, the writ petition is filed. Admittedly, no licence has been granted in favour of the third respondent as yet.

In the aforesaid circumstances, the writ petition is premature. The petitioner is at liberty to pursue any remedies as and when licence is granted in favour of the third respondent and not at this stage.

Writ petition is dismissed at the admission stage.

07-07-2005.

To

1. The Commissioner, Prohibition & Excise,

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